

ORIGINAL!

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16 UNITED STATES DISTRICT COURT
 17 SOUTHERN DISTRICT OF CALIFORNIA

18 BMW of North America, LLC and
 19 Bayerische Motoren Werke AG,

20 Plaintiffs,

21 v.

22 Bluestar Wheels, Inc.,

23 Defendant.

Case No:

08 CV 0940 W LSP

COMPLAINT FOR DESIGN
 PATENT INFRINGEMENT AND
 UNFAIR COMPETITION

24 Plaintiffs BMW of North America, LLC and Bayerische Motoren Werke AG (collectively
 25 "BMW") seek injunctive and monetary relief from Defendant Bluestar Wheels, Inc. (hereinafter,
 26 "Bluestar" or "Defendant") for design patent infringement and unfair competition. As alleged more
 27 fully below, Defendant has violated and continues to violate the Patent Act, 35 U.S.C. § 271, the
 28 Trademark Act of 1946 as amended, 15 U.S.C. §§ 1051 *et seq.* (the "Lanham Act"), and California law
 through its sale of wheel rims that infringe Plaintiffs' design patents.

CR

PARTIES

1
2 1. Plaintiff BMW of North America, LLC ("BMW NA") is a Delaware limited liability
3 company with its principal place of business at 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey
4 07677. BMW NA is a wholly owned subsidiary of BMW (US) Holding Corporation, a Delaware
5 corporation, which is a wholly owned subsidiary of Bayerische Motoren Werke AG. BMW NA is the
6 exclusive authorized distributor of BMW automotive and related products in the United States.

7 2. Plaintiff Bayerische Motoren Werke AG ("BMW AG") is a corporation organized
8 under the laws of the Federal Republic of Germany with its principal place of business at 80788
9 Munich, Germany. BMW AG manufactures motor vehicles, parts and other products for sale in
10 Germany and for export and sale throughout the world.

11 3. Upon information and belief, Defendant Bluestar Wheels, Inc. is a California
12 corporation with its principal place of business at 215 S. Highway 101 Suite 201, San Diego, CA
13 92121.

14 **JURISDICTION AND VENUE**

15 4. This is an action arising under the patent and trademark laws of the United States,
16 specifically Titles 35 and 15 of the United States Code, 35 U.S.C. § 271 and 15 U.S.C. § 1051 *et seq.*

17 5. This Court has personal jurisdiction over Defendant because Defendant resides in and
18 conducts business in California.

19 6. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. § 1121
20 and 28 U.S.C. §§ 1331 and 1338(a) and 1338(b), and has supplemental jurisdiction under 28 U.S.C. §
21 1367(a) over BMW's claims under California law.

22 7. Venue is proper in this District under 28 U.S.C. § 1391(b), as Defendant has its
23 principal place of business in this District and, upon information and belief, a substantial part of the
24 events or omissions giving rise to the claims herein occurred and are occurring in this District.
25
26
27
28

BMW'S PATENTED WHEEL DESIGNS

8. BMW is one of the foremost manufacturers of automobiles and automobile-related products, including wheels and wheel rims, in the world.

9. BMW AG is the owner of various valid and lawfully issued United States Design Patents, including patents for designs of a vehicle wheel (U.S. Design Patent Nos. 560,152; 522,949; and 560,585) (collectively, the "BMW design patents").

DEFENDANT'S WRONGFUL ACTIVITIES

10. Defendant is infringing BMW U.S. Design Patent No. 560,152 ("the '152 patent") by offering to sell and selling wheel rims that are covered by the '152 patent. A copy of BMW's U.S. Design Patent No. 560,152 and a printout from Bluestar's online store showing this wheel rim style are attached hereto as Exhibit 1(A) and (B), respectively.

11. Defendant is infringing BMW U.S. Design Patent No. 522,949 ("the '949 patent") by offering to sell and selling wheel rims that are covered by the '949 patent. A copy of BMW's U.S. Design Patent No. 522,949 and a printout from Bluestar's online store showing this wheel rim style are attached hereto as Exhibit 2(A) and (B), respectively.

12. Defendant is infringing BMW U.S. Design Patent No. 560,585 ("the '585 patent") by offering to sell and selling wheel rims that are covered by the '585 patent. A copy of BMW's U.S. Design Patent No. 560,585 and a printout from Bluestar's online store showing this wheel rim style are attached hereto as Exhibit 3(A) and (B), respectively.

13. Defendant advertises that its wheels "are manufactured in an original equipment plant" and that Defendant is the manufacturer, thereby implying that Defendant is an original equipment ("OE") supplier for BMW.

14. BMW has been damaged and continues to be damaged by Defendant's activities in the manner described above.

15. Unless these acts of Defendant are restrained by this Court, they will continue to cause irreparable injury to BMW and to the public for which there is no adequate remedy at law.

COUNT I
DESIGN PATENT INFRINGEMENT
U.S. DESIGN PATENT NO. 560,152
(35 U.S.C. §271)

16. BMW realleges and incorporates the allegations set forth in paragraphs 1 through 15 herein.

17. Defendant is infringing U.S. Design Patent No. 560,152 in violation of 35 U.S.C § 271 by making, using, offering for sale and/or selling products that are covered by the '152 patent in the United States.

18. Defendant's acts complained of herein have been willful, deliberate and with conscious disregard of BMW's U.S. design patent rights.

19. As a result of Defendant's infringement, Plaintiffs have suffered and will continue to suffer damages. Upon information and belief, Defendant's infringement will persist unless enjoined by this Court.

20. The acts complained of herein constitute design patent infringement in violation of 35 U.S.C. § 271.

COUNT II
DESIGN PATENT INFRINGEMENT
U.S. DESIGN PATENT NO. 522,949
(35 U.S.C. §271)

21. BMW realleges and incorporates the allegations set forth in paragraphs 1 through 20 herein.

22. Defendant is infringing U.S. Design Patent No. 522,949 in violation of 35 U.S.C § 271 by making, using, offering for sale and/or selling products that are covered by the '949 patent in the United States.

1 23. Defendant's acts complained of herein have been willful, deliberate and with conscious
2 disregard of BMW's U.S. design patent rights.

3 24. As a result of Defendant's infringement, Plaintiffs have suffered and will continue to
4 suffer damages. Upon information and belief, Defendant's infringement will persist unless enjoined
5 by this Court.

6 25. The acts complained of herein constitute design patent infringement in violation of 35
7 U.S.C. § 271.

8
9 **COUNT III**
10 **DESIGN PATENT INFRINGEMENT**
11 **U.S. DESIGN PATENT NO. 560,585**
 (35 U.S.C. §271)

12 26. BMW realleges and incorporates the allegations set forth in paragraphs 1 through 25
13 herein.

14
15 27. Defendant is infringing U.S. Design Patent No. 560,585 in violation of 35 U.S.C § 271
16 by making, using, offering for sale and/or selling products that are covered by the '585 patent in the
17 United States.

18 28. Defendant's acts complained of herein have been willful, deliberate and with conscious
19 disregard of BMW's U.S. design patent rights.

20 29. As a result of Defendant's infringement, Plaintiffs have suffered and will continue to
21 suffer damages. Upon information and belief, Defendant's infringement will persist unless enjoined
22 by this Court.

23 30. The acts complained of herein constitute design patent infringement in violation of 35
24 U.S.C. § 271.

COUNT IV
FEDERAL UNFAIR COMPETITION, FALSE DESIGNATION OF ORIGIN
(Lanham Act § 43(a), 15 U.S.C. § 1125)

31. BMW realleges and incorporates the allegations set forth in paragraphs 1 through 30 herein.

32. Defendant's unauthorized use of BMW's design patents in connection with the sale of wheel rims that are not made or authorized by BMW and Defendant's claim that such wheels "are manufactured in an original equipment plant" falsely indicates that Defendant and its products and services are connected with, sponsored by, affiliated with, or related to BMW.

33. Defendant's unauthorized use of BMW's design patents in connection with the sale of wheel rims that are not made or authorized by BMW and Defendant's claim that such wheels "are manufactured in an original equipment plant" has caused, and is likely to continue to cause confusion, mistake, and deception as to the source or sponsorship of Defendant and its products and services.

34. The acts of Defendant complained of herein constitute unfair competition, false designation of origin, and trade name infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

35. Defendant's acts complained of herein have been deliberate, willful, and intentional, with full knowledge and in conscious disregard of BMW's rights in its design patent rights.

36. As a result of the foregoing alleged actions of Defendant, BMW has been injured and damaged. Unless the foregoing alleged actions of Defendant are enjoined, BMW will continue to suffer injury and damage.

COUNT V
UNFAIR COMPETITION
(California Unfair Competition Statute,
Cal. Bus. & Prof. Code § 17200 et seq.)

37. BMW re-alleges and incorporates the allegations set forth in paragraphs 1 through 36 herein.

38. The acts of Defendant complained of herein constitute unlawful and unfair competition in violation of the California Unfair Competition Statute, Cal. Bus. & Prof. Code § 17200, as they are likely to deceive and mislead the public.

39. As a result of the foregoing alleged actions of Defendant, Defendant has been unjustly enriched and BMW has been injured and damaged. Unless the foregoing alleged actions of Defendant are enjoined, BMW will continue to suffer injury and damage.

COUNT VI
UNFAIR COMPETITION
(Common Law of California)

40. BMW re-alleges and incorporates the allegations set forth in paragraphs 1 through 39 herein.

41. The acts of Defendant complained of herein constitute unfair competition in violation of the common law of California.

42. As a result of the foregoing alleged actions, Defendant has been unjustly enriched and BMW has been injured and damaged. Unless the foregoing alleged actions of Defendant are enjoined, BMW will continue to suffer injury and damage.

PRAYER FOR RELIEF

WHEREFORE, BMW prays that:

1. Defendant be adjudged liable as to the foregoing claims.
2. Defendant, its agents, servants, employees, and all others in active concert or participation with any of them, be permanently enjoined and restrained from:
 - (a) manufacturing, importing, marketing, advertising, offering to sell and/or selling wheel rims that infringe upon BMW's U.S. Design Patent Nos. 560,152; 522,949; and 560,585;

- 1 (b) claiming or otherwise suggesting that Defendant is an original equipment
2 ("OE") manufacturer, supplier or distributor for BMW; and
3 (c) doing any other act or thing likely to confuse, mislead, or deceive others into
4 believing that Defendant emanates from, or is connected with, sponsored or
5 approved by, BMW or that any of Defendant's products are otherwise
6 authorized by BMW.

7 3. Defendant, in accordance with Section 34(a) of the United States Trademark Act, 15
8 U.S.C. § 1116(a), be required to file with the Court, and serve upon Plaintiffs, within thirty (30)
9 days after the entry and service on Defendant of an injunction, a report in writing and under
10 oath, setting forth in detail the manner and form in which Defendant has complied with the
11 terms of such injunction.

12 4. For Defendant's repeated, willful, and deliberate design patent infringement:

- 13 (a) Defendant be held liable to the extent of its total profits from design patent
14 infringement, but no less than \$250, pursuant to 35 U.S.C. § 289; and
15 (b) the Court award BMW treble damages, pursuant to 35 U.S.C. § 284, and
16 declare this case exceptional and award BMW its attorneys' fees pursuant to 35
17 U.S.C. § 285.
18 (c) the Court award prejudgment interest and costs of this action.

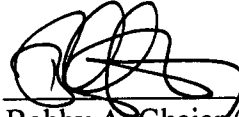
19 5. Defendant be required to pay to BMW for its acts of unfair competition:

- 20 (a) in accordance with Section 35(a) of the United States Trademark Act, 15 U.S.C.
21 § 1117(a) and (b), an award of treble Plaintiffs' actual damages plus
22 Defendant's profits resulting from Defendant's unauthorized use of BMW's
23 design patents in connection with the sale of wheel rims that are not made or
24 authorized by BMW and Defendant's claim that such wheels "are manufactured
25 in an original equipment plant";
26 (b) punitive damages for Defendant's acts of unfair competition;
27 (c) BMW's attorneys' fees for this action; and
28

(d) the Court award prejudgment interest and costs of this action.

6. BMW recover such other relief as the Court may deem appropriate.

Respectfully submitted,



Dated: May 27, 2008

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Attorneys for Plaintiffs

BMW of North America, LLC

and Bayerische Motoren Werke AG



US00D560152S

(12) **United States Design Patent**
Nordmann

(10) Patent No.: **US D560,152 S**
 (45) Date of Patent: **** Jan. 22, 2008**

(54) **FRONT FACE OF A VEHICLE WHEEL**

(75) Inventor: **Christoph Nordmann, Munich (DE)**

(73) Assignee: **Bayerische Motoren Werke
 Aktiengesellschaft, Munich (DE)**

(**) Term: **14 Years**

(21) Appl. No.: **29/244,831**

(22) Filed: **Dec. 15, 2005**

(30) **Foreign Application Priority Data**

Jun. 16, 2005 (DE) 4 05 03 085

(51) **LOC (8) Cl.** **12-16**

(52) **U.S. Cl.** **D12/211**

(58) **Field of Classification Search** **D12/204-213;**
301/37.101, 64.101, 65
 See application file for complete search history.

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EM 000106513-0006 12/2004

* cited by examiner

Primary Examiner—Stacia Cadmus

(74) *Attorney, Agent, or Firm*—Crowell & Moring LLP

(57) **CLAIM**

The ornamental design for a front face of a vehicle wheel,
 as shown and described.

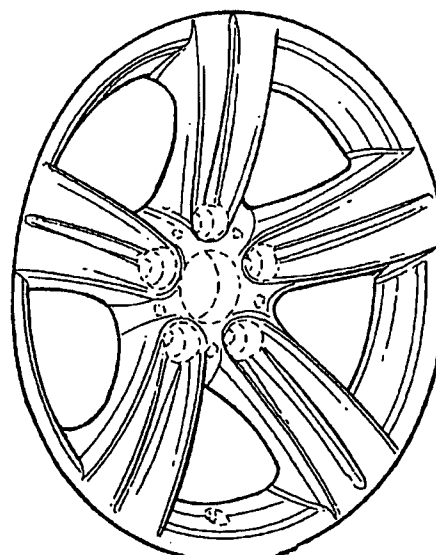
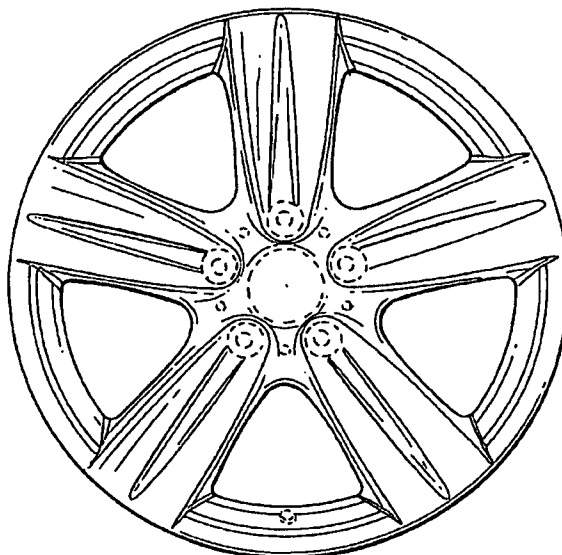
DESCRIPTION

FIG. 1 is a front view of a front face of a vehicle wheel
 according to my novel design; and,

FIG. 2 is a perspective view thereof.

The broken lines are for illustrative purposes only and form
 no part of the claimed design.

1 Claim, 1 Drawing Sheet



U.S. Patent

Jan. 22, 2008

US D560,152 S

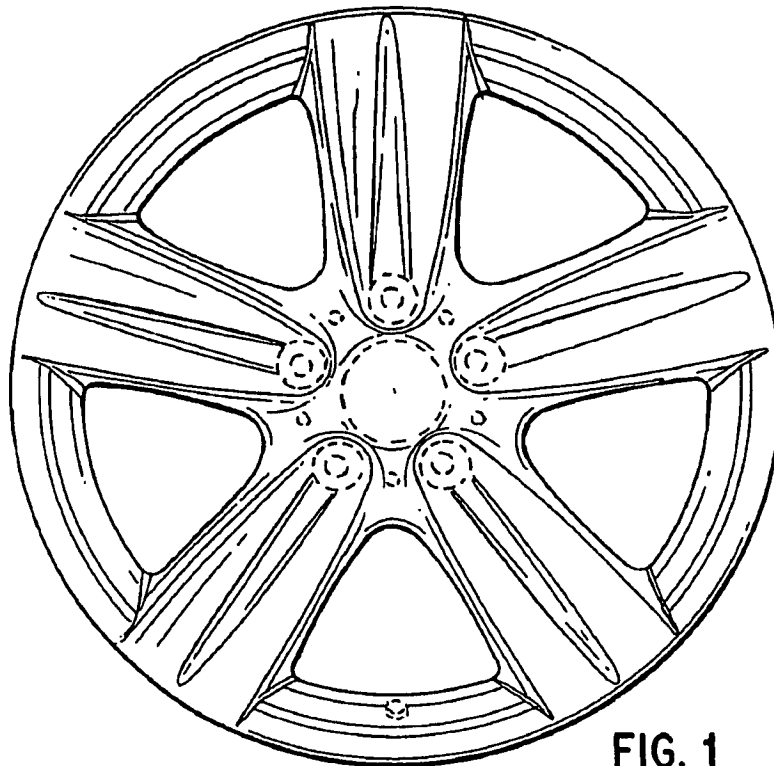


FIG. 1

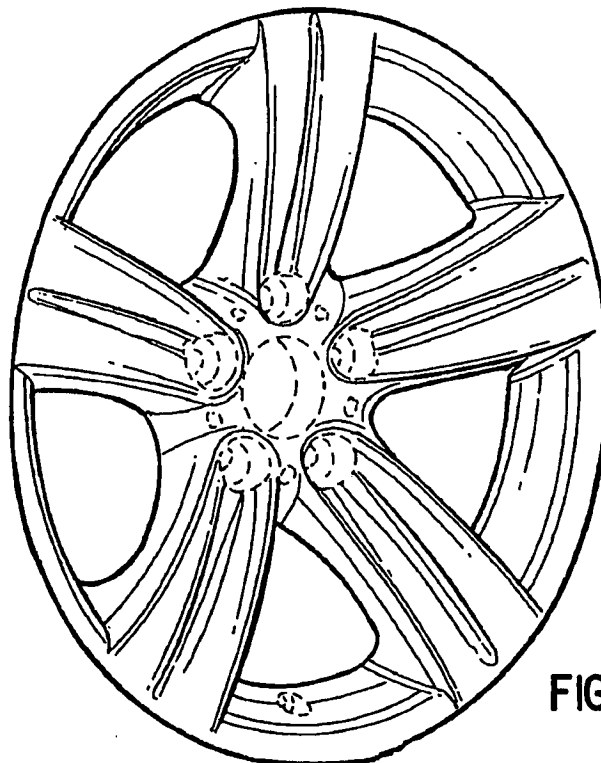


FIG. 2



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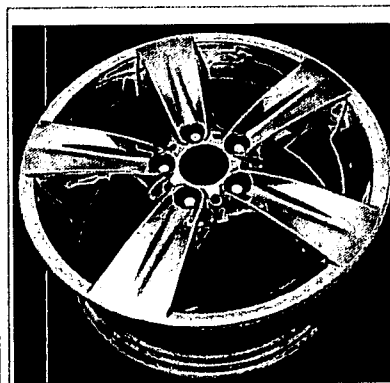
18 Chrome 5 Star Wheels Rims 3 5 6 7 8 X Z fits Bmw

sensation of sun shining off chrome wheels; priceless

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Buy It Now price: US \$599.00 Buy It NowGet up to 6 months no payments
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(May-15-08 08:56:32 PDT)**Shipping costs: US \$99.00**
Standard Flat Rate Shipping Service
Service to United States
(more services)**Ships to:** United States, Canada
Item location: San Diego, CA, United States**You can also:** Watch This Item
Get SMS or IM alerts | Email to a friend**Meet the seller****Seller:** blustarwheels (411 ★) **Power Seller****Feedback: 100% Positive****Member:** since Jul-17-03 in United States

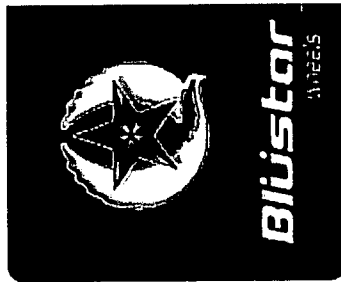
- See detailed feedback
- Ask seller a question
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- View seller's other items: Store | List
- Visit seller's Store: **Blustar Wheels**

Buy safely

1. **Check the seller's reputation**
Score: 411 | 100% Positive
See detailed feedback
2. **Check how you're protected**
PayPal Up to \$2,000 in buyer protection. See eligibility

Listing and payment details: Show

Description (revised)



eBay User ID:
blustarwheels

May 14, 2008

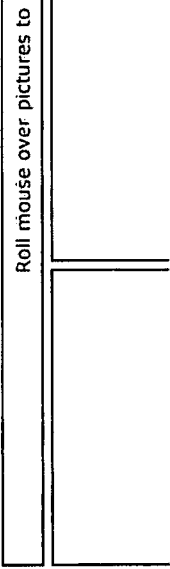
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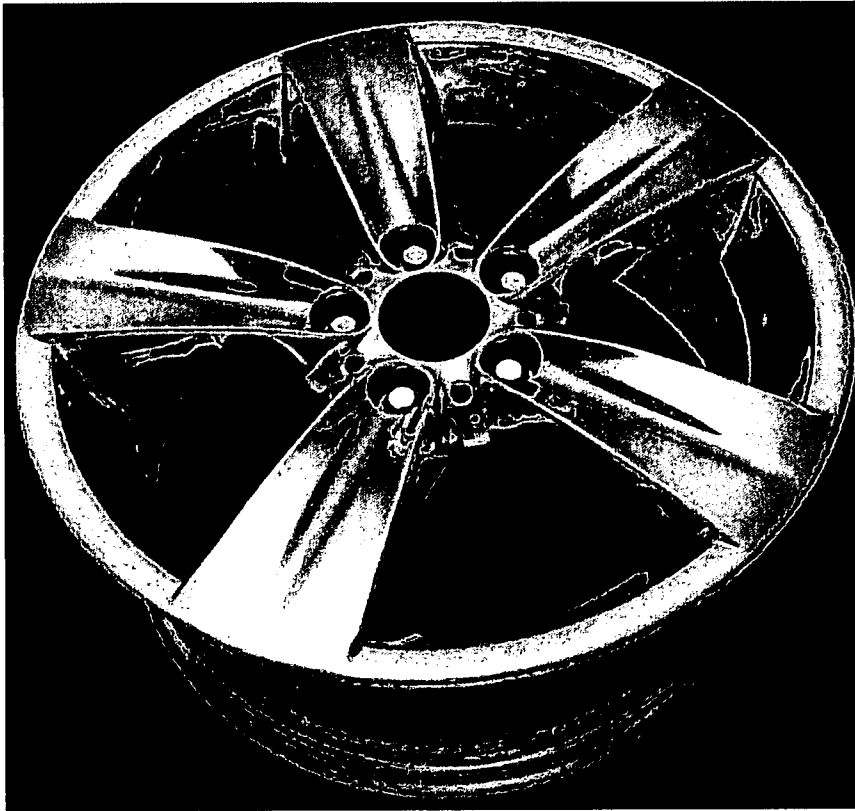
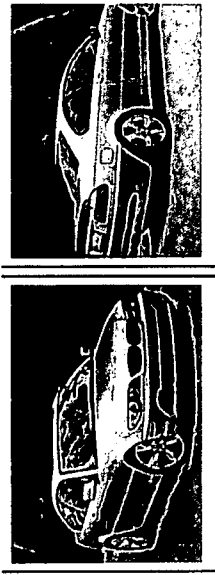
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3 series | 5 series | 6 series | 7 series | M3 | M5 | X3 | X5 | Z3 | Z4

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- Our wheels are manufactured in an original equipment They are DOT, JWL, VIA and TUV certified. We are the r affiliated with Bayerische Motoren Werke AG nor BMW o trademarked terms Bmw in our product descriptions are : fitment. Bluestar Wheels, Inc. asserts that the use of thes nominative use and our products are not to be mistaken i
- Fitment and satisfaction guaranteed.

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Calling all Drivers:

There is any number of wheels to choose from. But perhaps you're that one in 100 people who have dreams and desires to purchase wheels that are special-- wheels that are a true reflection of your personality and lifestyle. If that is you, then you should be talking to us.

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We've searched the world over for the most awesome, leading edge designs that say something about you. The feeling you'll get taking these wheels out of the box and placing them on your car is priceless, trust us.

We go to all lengths to make sure your wheels look and perform like they should... all the way from side impact to load bearing tests. **BlüStar** Wheels meet all DOT, VIA, JWL and TUV standards. Our factories are OEM (Original Equipment Manufacturer) top shelf quality... which means the precision, consistency, and manufacturing standards meet the same high expectations, quality control, and performance standards that the major American and German car companies trust with making their wheels.

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and understanding your needs that will save you countless hours of frustration and confusion. We'll be delighted to listen to you... and then give freely of our experience. Email us with questions, and we will rapidly respond.

For your convenience, we have extended hours from 8am to 8PM Pacific Standard Time, seven days a week. Call 858-444-6096.

See you on the road,

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& Returns**

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- COD in the continental United States is an additional \$ 30. Have a cashier's check payable to *Blüstar* upon delivery.
- Cashier's check or Money order sent to *Blüstar* in advance.
- Outside USA and Canada, we request you send us a bank wire transfer. This can easily be accomplished at your local bank branch. Email us for instructions.



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eBay Motors: 18 Chrome 5 Star Wheels Rims 3 5 6 7 8 X Z fits Bmw (item 170218730878 end time May-15-08 08:56:32 PDT) Page 6 of 8

kyzow
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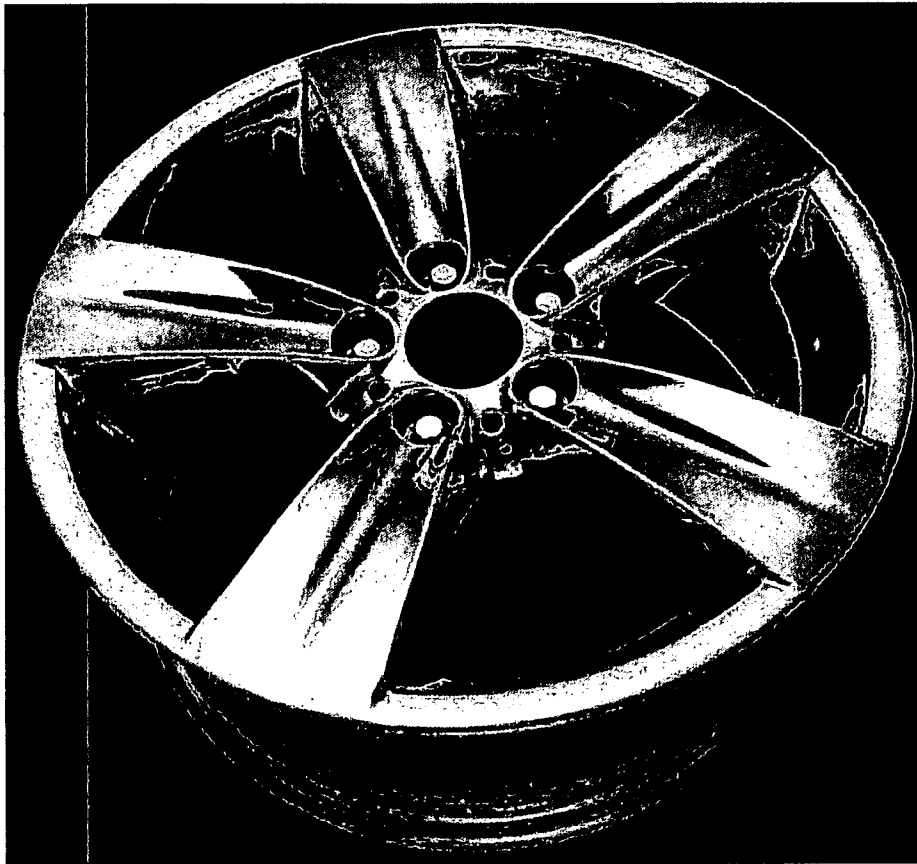
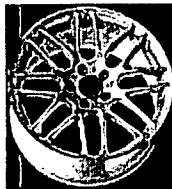


EXHIBIT 1B PAGE 17

http://cgi.ebay.com/ebaymotors/18-Chrome-5-Star-Wheels-Rims-3-5-6-7-8-X-Z-fits-Bmw_W0QQitemZ170218730878QihZ0... 5/14/2008

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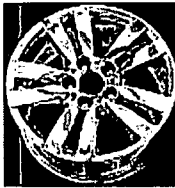


19 8 9.5 Sil Stag CSL style Wheel Rim 3 x m z
fits Bmw

US \$545.00

Buy It Now

Time left: 13h 15m



17 Chrome Wheels Rims 3 series z3 z4 x3 x5
fits Bmw

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19 x 8/9 Radial Wheel Rim 3 5 7 m x z fits
Bmw

US \$540.00

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Shipping and Handling

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Shipping insurance

Not offered

Payment methods accepted



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- Other - See Payment Instructions for payment methods accepted
- Visa/MasterCard

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Buy It Now price: US \$599.00

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US00D522949S

(12) **United States Design Patent** (10) Patent No.: **US D522,949 S**
 Elmitt (45) Date of Patent: **** Jun. 13, 2006**

(54) **FRONT FACE OF A VEHICLE WHEEL**(75) Inventor: **Karl John Elmitt, Eching (DE)**(73) Assignee: **Bayerische Motoren Werke
Aktiengesellschaft, Munich (DE)**(**) Term: **14 Years**(21) Appl. No.: **29/222,220**(22) Filed: **Jan. 28, 2005**(30) **Foreign Application Priority Data**

Jul. 30, 2004 (DE) 4 04 04 409

(51) LOC (8) Cl. **12-16**(52) U.S. Cl. **D12/211**(58) Field of Classification Search **D12/204-213;**
301/37.101, 64.101, 65

See application file for complete search history.

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* cited by examiner

Primary Examiner—Stacia Cadmus

(74) Attorney, Agent, or Firm—Crowell & Moring LLP

(57) **CLAIM**

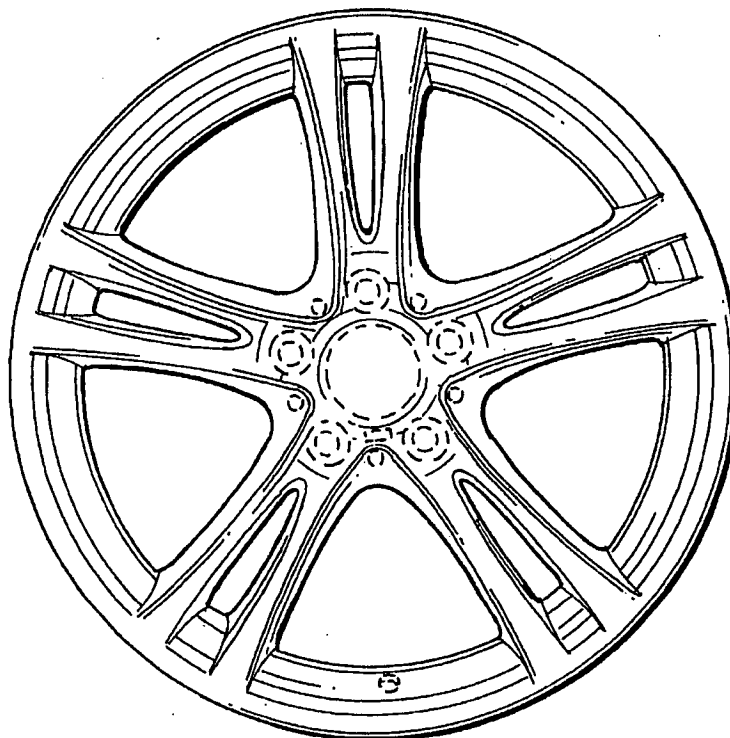
The ornamental design for a front face of a vehicle wheel, as shown and described.

DESCRIPTION

FIG. 1 is a front view of a front face of a vehicle wheel according to my novel design; and,

FIG. 2 is a perspective view of the front face of a vehicle wheel according to my novel design.

The broken lines are for illustrative purposes only and form no part of the claimed design.

1 Claim, 1 Drawing Sheet

U.S. Patent

Jun. 13, 2006

US D522,949 S

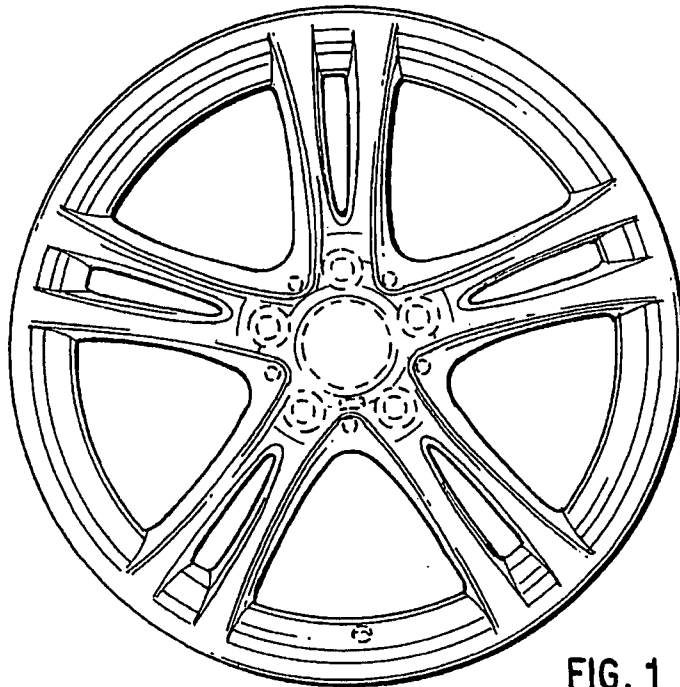


FIG. 1

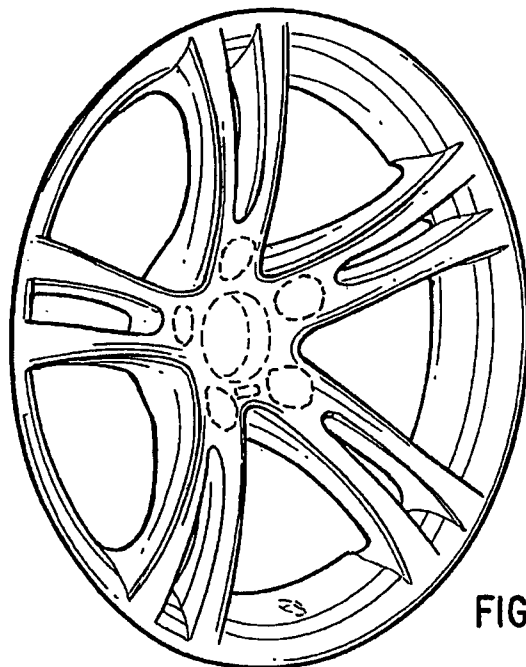


FIG. 2



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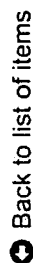
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All of eBay Motors

Cars & Trucks Parts & Accessories Motorcycles Powersports Boats Other Vehicles



Listed in category: eBay Motors > Parts & Accessories > Car & Truck Parts > Wheels, Tires & Parts > Wheels > 18"

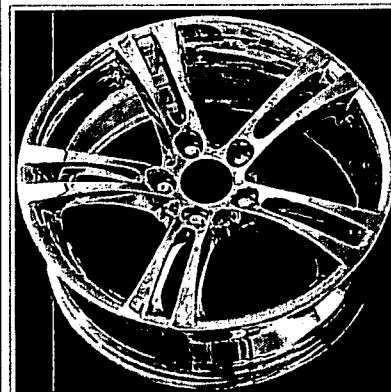
18 Chrome Dbl Spoke Wheels Rims 5 6 7 8 Series fits Bmw

Because there's nothing like a summer spin on chrome.

Item number: 170218770621

Buyer or seller of this item? Sign in for your status

Watch this item in My eBay



View larger picture

Buy It Now price: US \$597.00 Buy It NowGet up to 6 months no payments
Apply

End time:

21 hours 14 mins
(May-15-08 10:56:39 PDT)Shipping costs: **US \$99.00**Standard Flat Rate Shipping Service
Service to United States
(more services)

Ships to:

United States, Canada

Item location:

San Diego, CA, United States

You can also:

Watch This Item

Get SMS or IM alerts | Email to a
friend**Meet the seller**Seller: blustarwheels (411 ☆) **Power Seller**Feedback: **100% Positive**

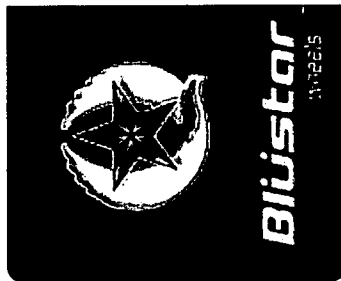
Member: since Jul-17-03 in United States

- See detailed feedback
- Ask seller a question
- Add to Favorite Sellers
- View seller's other items: Store | List
- Visit seller's Store: **Blustar Wheels**

Buy safely**1. Check the seller's reputation**Score: 411 | 100% Positive
See detailed feedback**2. Check how you're protected****PayPal** Up to \$2,000 in buyer
protection. See eligibility

Listing and payment details: Show

Description (revised)



eBay User ID:
blustarwheels
May 14, 2008

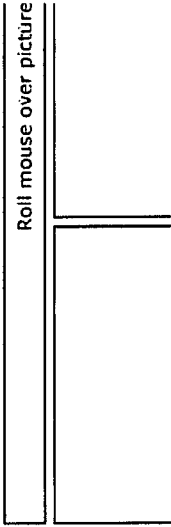
Member of SquareTrade
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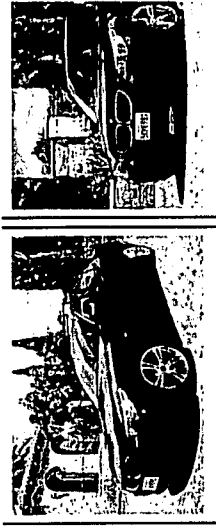
SquareTrade © AP6.0

3 series | 5 series | 6 series | 7 series | M3 | M5 | X3 | X5 | Z3 | Z4

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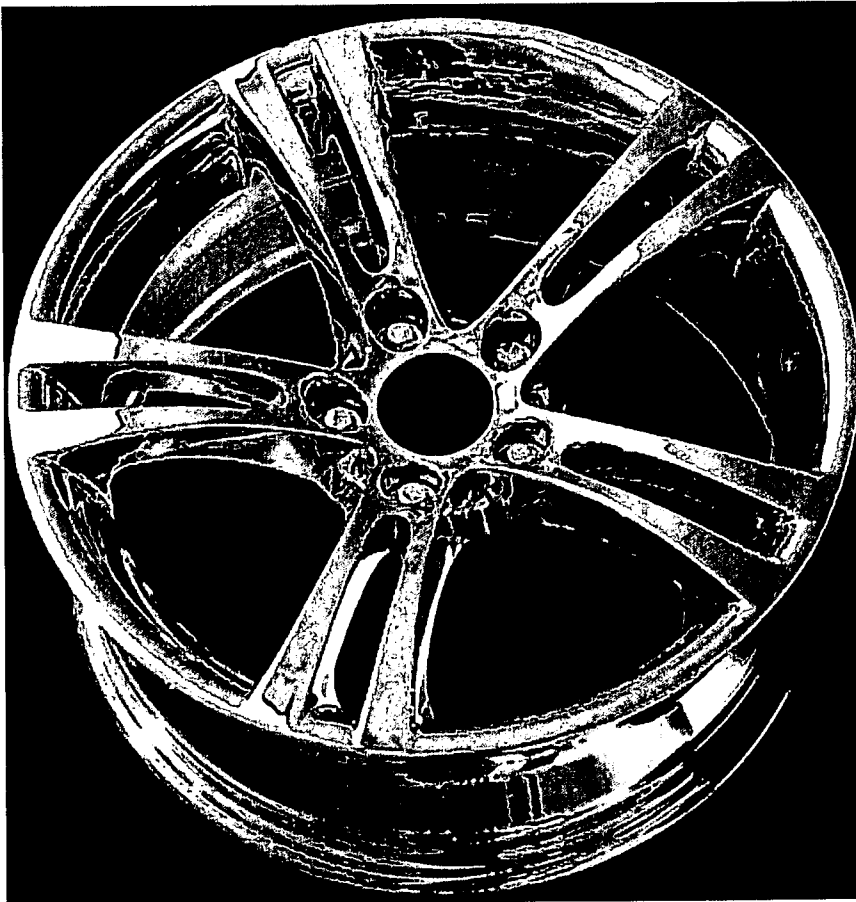
18 Chrome Dbl Spoke Wheels Rims 5 6 7 8 Series





- Brand new complete set of 18 x 8" chrome
- Includes centercaps.
- Fits 525 90-07 / 528 97-00 / 530 93-07 / 505 / 550 06-07 / M5 90-06 / 635 88-89 / 645 88-92 / 740 93-01 / 745 02-05 / 750 90-07 /
- Our wheels are manufactured in an original equipment standards. They are DOT, JWL, VIA and TUV certified. Wheels, Inc. is not affiliated with Bayerische Motor America. The minimal use of the trademarked term solely to specify fitment. Bluestar Wheels, Inc. assumes fair use and nominative use and our products are
- Fitment and satisfaction guaranteed.
- Call us anytime at

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Take your luxury vehicle to the next

Calling all Drivers:

There is any number of wheels to choose from. But perhaps you're that one in 100 people who have dreams and desires to purchase wheels that are special-- wheels that are a true reflection of your personality and lifestyle. If that is you, then you should be talking to us.

Wait until you see what **BlüStar** wheels look like on your car. See what other owners have to say about us. How we take care and pride, down to the last wheel making detail. The effect is simply stunning. Uniquely Yours.

Our wheels will give your vehicle an extreme makeover for very little investment.

We've searched the world over for the most awesome, leading edge designs that say something about you. The feeling you'll get taking these wheels out of the box and placing them on your car is priceless, trust us.

We go to all lengths to make sure your wheels look and perform like they should... all the way from side impact to load bearing tests. **BlüStar** Wheels meet all DOT, VIA, JWL and TUV standards. Our factories are OEM (Original Equipment Manufacturer) top shelf quality... which means the precision, consistency, and manufacturing standards meet the same high expectations, quality control, and performance standards that the major American and German car companies trust with making their wheels.

BlüStar will give you the same attentiveness and care as if we were buying these wheels for our own cars.

Call our all-star service team, Beckie, Garrett, or George at 858-444-6096 for some of that "who are these people" friendliness and answers to your questions. Just like what you would desire from going locally in your neighborhood. But only better... fair on price, big on fitment knowledge, and a team who truly enjoys helping you. You will find we have a depth of knowledge and a passion for wheels that rivals any in the country. **BlüStar** exclusively sells to you, the enthusiast. It is that commitment to listening

and understanding your needs that will save you countless hours of frustration and confusion. We'll be delighted to listen to you... and then give freely of our experience. Email us with questions, and we will rapidly respond.

For your convenience, we have extended hours from 8am to 8PM Pacific Standard Time, seven days a week. Call 858-444-6096.

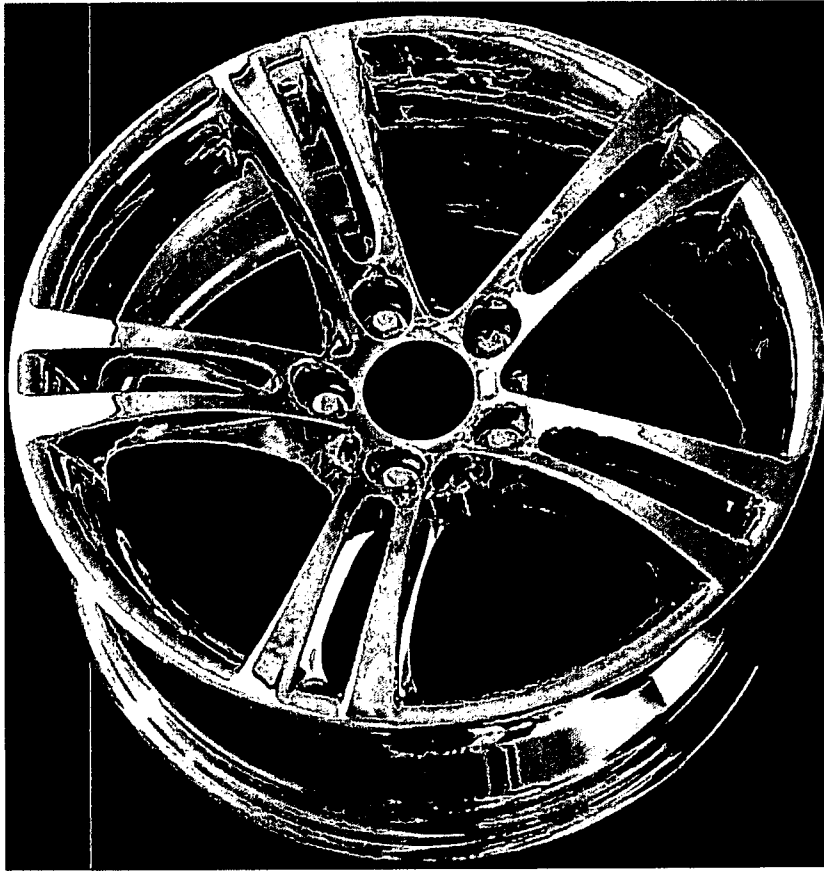
See you on the road,

The BlüStar Wheels Team

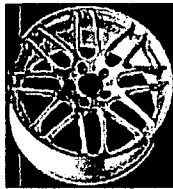
Payment	Shipping	Warranty & Returns	About Us
<ul style="list-style-type: none"> • We take the normal plastic... Mastercard, Visa, Amex, and Discover within the USA and Canada. • We are Paypal friendly for USA, Canada and UK. • COD in the continental United States is an additional \$ 30. Have a cashier's check payable to <i>Blüstar</i> upon delivery. • Cashier's check or Money order sent to <i>Blüstar</i> in advance. • Outside USA and Canada, we request you send us a bank wire transfer. This can easily be accomplished at your local bank branch. Email us for instructions. 			



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19 x 8/9 Radial Wheel Rim 3 5 7 m x z fits
Bmw

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Ships to	
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Shipping and Handling	
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Shipping and Handling	To
US \$99.00	United States
Shipping insurance	Service
Not offered	Standard Flat Rate Shipping

Payment methods accepted



- Money order/Cashiers check
- Other - See Payment Instructions for payment methods accepted
- Visa/MasterCard

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Item title: 18 Chrome Dbl Spoke Wheels Rims 5 6 7 8 Series fits Bmw

Buy It Now

Buy It Now price: US \$597.00

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US00D560585S

(12) **United States Design Patent**
Blasi

(10) Patent No.: **US D560,585 S**
 (45) Date of Patent: **** Jan. 29, 2008**

(54) **FRONT FACE OF A VEHICLE WHEEL**

(75) Inventor: **Jullane Blasi, Munich (DE)**

(73) Assignee: **Bayerische Motoren Werke
 Aktiengesellschaft, Munich (DE)**

(**) Term: **14 Years**

(21) Appl. No.: **29/270,363**

(22) Filed: **Dec. 21, 2006**

(30) **Foreign Application Priority Data**

Jun. 22, 2006 (DE) 40603373

(51) **LOC (8) Cl.** **12-16**

(52) **U.S. Cl.** **D12/209**

(58) **Field of Classification Search** **D12/204-213;**
301/37.101, 64.101, 65, 64.201

See application file for complete search history.

(56) **References Cited**

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 D532,736 S * 11/2006 Ettensberger D12/209
 D533,495 S * 12/2006 Arora D12/209
 D539,720 S * 4/2007 Loohe D12/209

* cited by examiner

Primary Examiner—Stacia Cadmus

(74) Attorney, Agent, or Firm—Crowell & Moring LLP

(57) **CLAIM**

The ornamental design for a front face of a vehicle wheel, as shown and described.

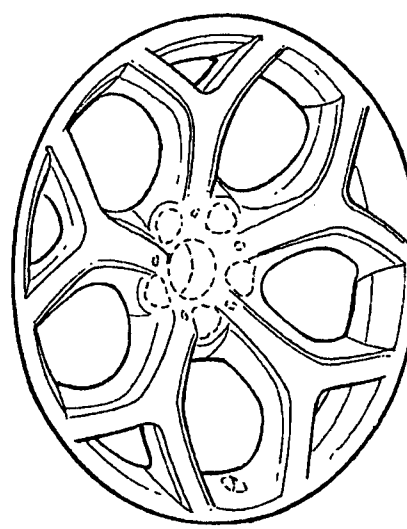
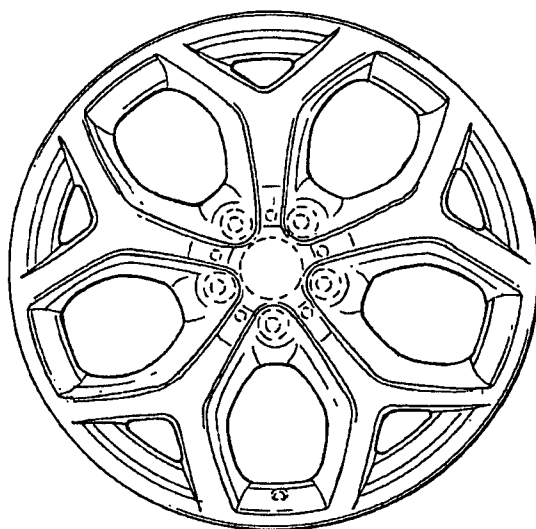
DESCRIPTION

FIG. 1 is a front view of a front face of a vehicle wheel according to my novel design; and,

FIG. 2 is a perspective view thereof.

The broken lines are for illustrative purposes only and form no part of the claimed design.

1 Claim, 1 Drawing Sheet



U.S. Patent

Jan. 29, 2008

US D560,585 S

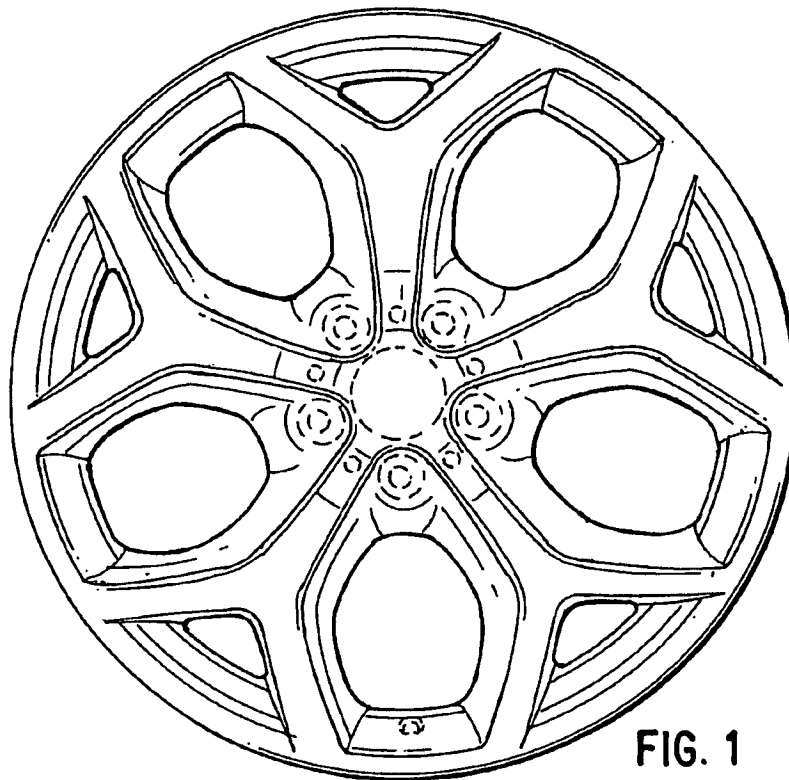


FIG. 1

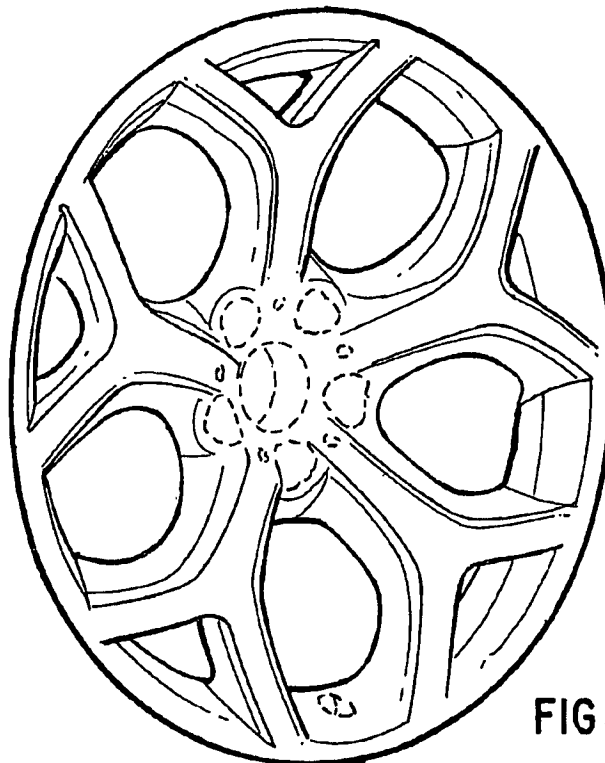


FIG. 2



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eBay Motors

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Cars & Trucks Parts & Accessories Motorcycles Powersports Boats Other Vehicles

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Listed in category: eBay Motors > Parts & Accessories > Car & Truck Parts > Wheels, Tires & Parts > Wheels > 20" or more

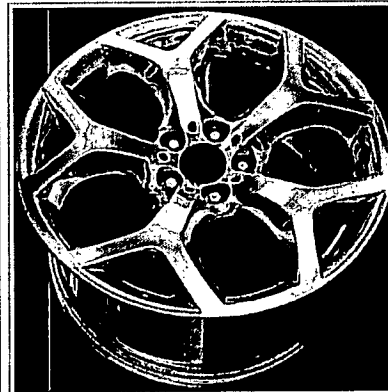
20 9.5/10.5 Chrome X5 X3 Staggered Wheels Rims fits Bmw

FITS **ALL** X5s 2000-2008 and X3. It's chrome season.

Item number: 170218794168

Buyer or seller of this item? Sign in for your status

Watch this item in My eBay



View larger picture

Buy It Now price: US \$789.00 Buy It NowGet up to 6 months no payments
Apply

End time:

22 hours 14 mins
(May-15-08 11:57:13 PDT)Shipping costs: **US \$149.00**Standard Flat Rate Shipping Service
Service to United States
(more services)

Ships to:

United States, Canada

Item location:

Solana Beach California, United
States

You can also:

Watch This Item

Get SMS or IM alerts | Email to a

Meet the seller

Seller: blustarwheels (411 ★) Power Seller

Feedback: **100% Positive**

Member: since Jul-17-03 in United States

- See detailed feedback
- Ask seller a question
- Add to Favorite Sellers
- View seller's other items: Store | List
- Visit seller's Store:

Blustar Wheels

Buy safely**1. Check the seller's reputation**

Score: 411 | 100% Positive

See detailed feedback

2. Check how you're protected**PayPal** Up to \$2,000 in buyer protection. See eligibility

friend

Listing and payment details: Show

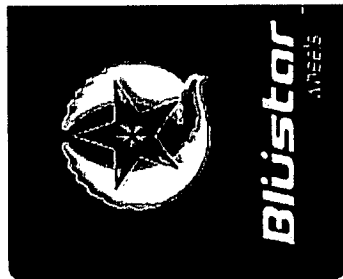
Item Specifics**Title:** 20 9.5/10.5 Chrome X5 X3 Staggered Wheels Rims fits Bmw**Condition:** New**Rim Information****Brand:** --**Number of Bolts:** 5**Material:****Width:** 9.5J**Bolt Pattern:** 5 x 4.72 or 5 x 120**Structure:****Diameter:** 20 inches**Offset:** 45**Part Number (MPN)****Description (revised)**

May 14, 2008

eBay User ID:
blustarwheels

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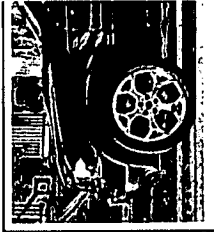


3 series | 5 series | 6 series | 7 series | M3 | M5 | X3 | X5 | Z3 | Z4

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20 9.5/10.5 Chrome X5 X3 Staggered Wheels Rims

Roll mouse over pictures t



- Brand new complete set of 20" x 9.5/10.5" Ct
 - Includes centercaps.
 - Fits all X5 00-07 / X3 04-08 models.
 - Our wheels are manufactured in an original equippr standards. They are DOT, JWL, VIA and TUV certifie
- The minimal use of the trademarked terms Bmw in ou
Wheels, Inc. is not affiliated with Bayerische Motoren
specify fitment. Bluestar Wheels, Inc. asserts that the
nominative use and our products are not to be mistak
Fitment and satisfaction guaranteed. Call us :

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

BMW of North America, LLC and Bayerische Motoren Werke AG

DEFENDANTS

Bluestar Wheels, Inc., a California corporation

(b) County of Residence of First Listed Plaintiff Bergen County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant San Diego
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Bobby A. Ghajar, Esq. (S.B. No. 198719)

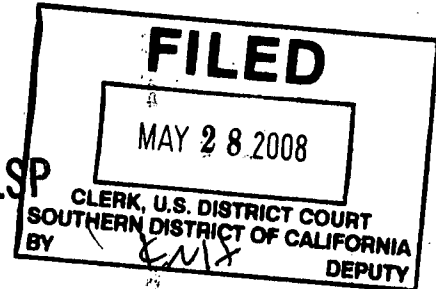
HOWREY LLP

550 South Hope Street, Suite 1100

Los Angeles, CA 90071

Telephone: (213) 892-1800; Facsimile: (213) 892-2300

08 CV 0940 W LSP

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. Section 1051, Patent Act Section 271

VI. CAUSE OF ACTION

Brief description of cause:

Patent infringement and unfair competition

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

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DOCKET NUMBER

DATE

May 27, 2008

SIGNATURE OF ATTORNEY OF RECORD

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15/333 \$350 - AB 05/29/08

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DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

151333 - MB

**May 29, 2008
08:38:59**

Civ Fil Non-Pris

USAO #: 08CV0940 CIVIL FILING

Judge...: THOMAS J WHELAN

Amount.: \$350.00 CK

Check#: BC16665

Total-> \$350.00

FROM: BMW OF NORTH AMERICA AND
BAYERISCHE MOTOREN WERKE AG
VS BLUESTAR WHEELS INC